APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,701	12/12/2001	Wah Yiu Kwong	ITL.0681US (P12999)	9547

21906   7590   06/04/2007
TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER
BAUM, RONALD

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
06/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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10/020,701	12/12/2001	Wah Yiu Kwong	ITL.0681US	9547

21906	7590	07/18/2006		EXAMINER
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DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/020,701	KWONG ET AL.
	Examiner	Art Unit	
	Ronald Baum	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 April 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   ·This action is in reply to applicant's correspondence of 24 April 2006.

2.   Claims 1-25 are pending for examination.

3.   Claims 1-25 remain rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aluzzo et al,

U.S. Patent Application Publication US 2002/0073306 A1.

5.   As per claim 1; "A method comprising:

detecting a user input [Abstract, figures 1-7 and accompanying descriptions with figure 1

more particularly, whereas the input device comprising, inter alia, 'a touch screen reader', by

way of example, obviously encompasses the user input as detected, as broadly interpreted by the

examiner.];

in response to the detection of a user input, generating a graphical user interface before

the operating system has booted [Abstract, figures 1-7 and accompanying descriptions with

[0036-0040] more particularly, whereas the response to the input device (i.e., touch screen input

obviously enabled for the input of security PIN/password token information) either the response

to a correct or incorrect authentication process, obviously encompasses the response claim

aspect, as broadly interpreted by the examiner.];

receiving an input from the user through said graphical user interface [Abstract, figures 1-

7 and accompanying descriptions with [0036-0040, 0046-0051] more particularly, whereas the

response to a correct or incorrect authentication process, obviously encompasses the GUI input

claim aspect, as broadly interpreted by the examiner.]; and

booting the operating system [Abstract, figures 1-7 and accompanying descriptions with

[0036-0040] more particularly, whereas the response to the input device by the user, either the

response to a correct or incorrect authentication process, obviously encompasses in part, or as a

whole, the OS components enabling/loading/execution of the boot/bios software/firmware

components claim aspects, as broadly interpreted by the examiner.].";

Further, as per claim 11, this claim is the embodied method software for the method

claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection;

Further, as per claims 21,24 these claims are the apparatus/system for the method claim 1

above, and are rejected for the same reasons provided for the claim 1 rejection.

6.   Claim 2 *additionally recites* the limitation that; "The method of claim 1 wherein

        detecting a user input includes

                detecting the operation of a push button.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with [0036-0037] more particularly, whereas an input device

comprising an obvious on-off switch or such user control, by way of example, obviously

encompasses the user input/push button as detected, as broadly interpreted by the examiner.);

Further, as per claim 12, this claim is the embodied method software for the method

claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection;

7.   Claim 3 *additionally recites* the limitation that; "The method of claim 1 wherein

generating a graphical user interface includes

generating a graphical user interface using a graphics controller.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with figure 1 more particularly, whereas the use of a touch screen

input/output component, as broadly interpreted by the examiner obviously is electronic logic

controlling the GUI display rendering, inherently a graphics controller.);

Further, as per claim 13, this claim is the embodied method software for the method

claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8.   Claim 4 *additionally recites* the limitation that; "The method of claim 3 including

storing information for generating said graphical user interface on an option memory.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with figures 1 more particularly, whereas the use of various devices

that have a processor and inherent associated memory (i.e., RAM, ROM, PROM, etc.,) obviously

encompasses "...storing information ...", as broadly interpreted by the examiner, in system

components where there is clearly electronic logic controlling the GUI parameter storage/display

rendering, inherently a memory and graphics controller.);

Further, as per claim 14, this claim is the embodied method software for the method

claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9.   Claim 5 *additionally recites* the limitation that; "The method of claim 1 including

        using boot code running on a graphics controller to

                generate the graphical user interface.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with figures 1 more particularly, whereas an inherently integrated

(i.e., the graphics controller is part of the same printed circuit board, such as a PDA) obviously

encompasses "...boot code running ... generate the graphical user ...", as broadly interpreted by

the examiner in system components where there is clearly electronic logic controlling the GUI

parameter storage/display rendering, inherently a memory and graphics controller.);

Further, as per claim 15, this claim is the embodied method software for the method

claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10.   Claim 6 *additionally recites* the limitation that; "The method of claim 1 wherein

        generating a graphical user interface includes

generating a graphical user interface to

enable the user to input a password.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with [0036-0040, 0046-0051] more particularly, whereas the

response to a correct or incorrect authentication process, obviously encompasses the GUI input

claim aspect, as broadly interpreted by the examiner.);

Further, as per claim 16, this claim is the embodied method software for the method

claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

Further, as per claim 25, this claim is the apparatus/system for the method claims 5,6

above, and is rejected for the same reason provided for the claims 5,6 rejection.

11.   Claim 7 *additionally recites* the limitation that; "The method of claim 6 wherein

generating a graphical user interface includes

generating an on-screen keyboard.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with [0028, 0036-0040, 0046-0051] more particularly, whereas the

response to a correct or incorrect authentication process via the use of a touch screen reader

obviously encompasses the use of a keypad/keyboard GUI input/output type of input device

component, as broadly interpreted by the examiner.);

Further, as per claim 17, this claim is the embodied method software for the method

claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection;

Further, as per claim 23, this claim is the apparatus/system for the method claim 7 above,

and is rejected for the same reasons provided for the claim 7 rejection.

12.   Claim 8 *additionally recites* the limitation that; "The method of claim 1 including

        receiving inputs from the user through the graphical user interface without a keyboard.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and

accompanying descriptions with [0028, 0036-0040, 0046-0051] more particularly, whereas the

response to a correct or incorrect authentication process via the use of a touch screen reader, a

mouse, scanner, etc., obviously encompasses the use of a graphical user interface without a

keyboard, per se, GUI input/output type of input device component, as broadly interpreted by the

examiner.);

Further, as per claim 18, this claim is the embodied method software for the method

claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection;

Further, as per claim 22, this claim is the apparatus/system for the method claim 8 above,

and is rejected for the same reasons provided for the claim 8 rejection.

13.   Claim 9 *additionally recites* the limitation that; "The method of claim 1 including

        authenticating a user and

        allowing the operating system to boot if the user has been authenticated.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and accompanying descriptions with [0027-0040, 0046-0051] more particularly, whereas the various input device enabled authentication scenarios obviously encompasses "...authenticating a user ...", and further, the BIOS level locking/unlocking and subsequent measured loading of the various OS components based on the results of said authentication scenarios, obviously encompasses "allowing the operating system to boot ... authenticated", as broadly interpreted by the examiner.);

Further, as per claim 19, this claim is the embodied method software for the method claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

14. Claim 10 *additionally recites* the limitation that; "The method of claim 9 including receiving a password entered without a keyboard using the graphical user interface.".

The teachings of Aluzzo et al are directed towards such limitations (i.e., Abstract, figures 1-7 and accompanying descriptions with [0028, 0036-0040, 0046-0051] more particularly, whereas the response to a correct or incorrect authentication process via the use of a touch screen reader, a mouse, scanner, etc., obviously encompasses the use of a graphical user interface for receiving a password without a keyboard, per se, GUI input/output type of input device component, as broadly interpreted by the examiner.);

Further, as per claim 20, this claim is the embodied method software for the method claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection.

Response to Amendment

15.   As per applicant's argument concerning the lack of teaching by Aluzzo et al of a

graphical user interface providing "... computer inputs *through* the display.", the examiner has

fully considered in this response to amendment; the arguments, and finds them not to be

persuasive. Nowhere in the claim language does the recitation of a requirement for an explicit

claiming of the differentiation aspect concerning the *display* and the user *input* means; just the

broad "graphical user interface" criteria per se. By way of example, a touch screen specifically

would be an example of a graphical user interface that accepts user input *through* the display,

whereas a graphical user interface could 'conventionally' comprise an input means (i.e., a token

reader, keypad/keyboard, etc.,) *associated* with a display means.

16.   As per applicant's argument concerning the lack of teaching by Aluzzo et al of "computer

lock display" aspect of the graphical user interface interaction, the examiner has fully considered

in this response to amendment; the arguments, and finds them not to be persuasive. Nowhere in

the claim language does the recitation of a requirement for locking or unlocking exist; just the

broad user interaction/display means response criteria per se. By way of example, the interaction

of the user not authorized after presenting input via a token presented to an accompanying reader

resulting in the display means responding (i.e., visually rendering anything from a blank screen

to a warning message/alarm), as contrasted to the authorized presentation of a valid token and

resulting rendering of boot-up associated information (as the boot-up process subsequently

starts) would clearly encompass graphical user interface interactivity, as being *broadly interpreted by the examiner*, as per the claim language.

17.   As per applicant's argument concerning the lack of teaching by Aluzzo et al of the "touch screen reader" as the graphical user interface for authentication, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive. As recited in the office action, the touch screen is an example "(i.e., ...)", whereas the Aluzzo et al authentication means encompasses a broad range of user interactive means inclusive of smart card readers (clearly encompassing 'conventional' keypad/display embodiments), as clearly examples of intended use (A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987)).

        THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing
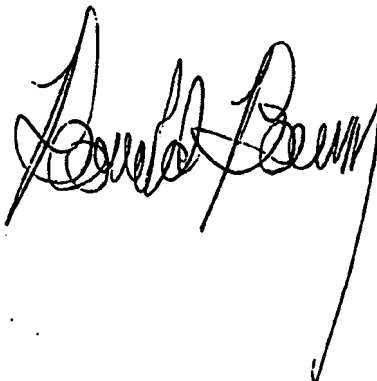
date of this final action.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from examiner

should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose

unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday

through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization

where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. For more information for

unpublished applications is available through Private PAIR only. For more information about the

PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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